

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Case No. 7:17-cv-00071-FL

JOHNNY SMALL,

Plaintiff,

vs.

CITY OF WILMINGTON,
J.J. LIGHTNER, DONNA BROWN,
WAYNE NORRIS, DARRYL NESTER
JOSEPH NEUSCHAEFER,
BRUCE HICKMAN,
UNKNOWN EMPLOYEES OF
THE WILMINGTON POLICE
DEPARTMENT, and UNKNOWN
SURETY FOR THE CITY OF
WILMINGTON,

Defendants.

**DEFENDANT LIGHTNER'S
ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

COMES NOW Defendant J.J. Lightner ("Defendant Lightner"), by and through counsel, and responds to the Plaintiff's First Amended Complaint as follows:

Defendant Lightner reiterates, adopts, and incorporates all of the numbered responses and affirmative defenses contained in his Answer to the original Complaint [D.E. 26] in response to the corresponding, identical portions of the First Amended Complaint. In further response to the amended allegations in paragraph 13 of Plaintiff's First Amended Complaint, Defendant Lightner admits that the listed officers are citizens and residents of North Carolina, and at all times relevant to the First Amended Complaint were employed by the Wilmington Police Department and were acting under the color of law and within the scope of their employment. It is further admitted that Plaintiff purports to sue the listed officers in this action in their individual capacity. Except as herein admitted, the remaining allegations of

paragraph 13 of the Plaintiff's First Amended Complaint are denied.

Any other allegations of the First Amended Complaint, which have not been expressly admitted in Defendant Lightner's initially filed Answer [D.E. 26], are hereby denied.

WHEREFORE, having answered and responded to Plaintiff First Amended Complaint, Defendant Lightner respectfully requests that Plaintiff have and recover nothing; that said Complaint be dismissed with prejudice; that all triable issues be tried by a jury; that Defendant Lightner recover his costs, including reasonable attorneys' fees; and that this Court grant such other relief as it deems just, equitable, and proper.

This the 17th day of April, 2018.

GOLDBERG SEGALLA LLP

/s/ David L. Brown

David L. Brown (N.C. State Bar No. 18942)
Brady A. Yntema (N.C. State Bar No. 25771)
David G. Harris II (N.C. State Bar No. 35327)
800 Green Valley Road, Suite 302
Greensboro, NC 27408
Telephone: 336.419.4900
Facsimile: 336.419.4950
E-mail: dbrown@goldbergsegalla.com
byntema@goldbergsegalla.com
dharris@goldbergsegalla.com

-and-

/s/ Stephen E. Culbreth

Stephen E. Culbreth (N.C. State Bar No. 1044)
Culbreth Law Firm, LLP
514 Chestnut Street
Wilmington, NC 28401
Telephone: 910.763.3416
E-mail: culbrethlaw@juno.com

Attorneys for Defendant J.J. Lightner

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing Answer to Plaintiff's First Amended Complaint with the Clerk of Court using the CM/ECF system, which will serve the same on the following counsel:

Cindy Tsai
Jon Loevy
Tara Thompson
Aisha Davis
Anthony Balkissoon
Gayle Horne
Katie Roche
LOEVY & LOEVY
311 N. Aberdeen, Third Floor, Suite 100
Chicago, IL 60607

-and-

David S Rudolf
RUDOLF WIDENHOUSE
225 East Worthington Avenue, Ste. 200
Charlotte, NC 28203

Attorneys for Plaintiff Johnny Small

Scott C. Hart
SUMRELL, SUGG, CARMICHAEL, HICKS & HART, P.A.
Post Office Drawer 889
New Bern, NC 28563
Telephone: 252.633.3131

-and-

Meredith Turner Everhart
PO Box 1810
Wilmington, NC 28402
Attorney for Defendant City of Wilmington

Brian H. Alligood
N.C. State Bar No. 27361
BOVIS KYLE BURCH & MEDLIN, LLC
800 Green Valley Rd., Suite 102
Greensboro, NC 27408
Telephone: (336) 907-3265
Attorney for Defendants Brown, Norris, Nester, and Neuschafer

Mr. John Felix Green, II
HALL & GREEN
718 Market St.
Wilmington, NC 28401
Attorney for Wayne Norris

This the 17th day of April, 2018.

GOLDBERG SEGALLA LLP

/s/ David L. Brown
David L. Brown
800 Green Valley Road, Suite 302
Greensboro, NC 27408
Telephone: 336.419.4900
E-mail: dbrown@goldbergsegalla.com
Attorneys for Defendant J.J. Lightner